

REMARKS

This Response has been prepared after consideration of the telephonic conference between the Examiner and the undersigned attorney on May 30, 2003. The courtesies extended to the undersigned attorney during that telephonic interview are greatly appreciated.

Despite the Examiner's note that corrected drawings are required in reply to the present Office Action to avoid abandonment of the application, and that the requirement would not be held in abeyance, the Examiner has graciously consented to withdraw the requirement for new corrected drawings until such requirement can be more fully considered by the Applicant. The basis for the Examiner's requirement for new formal drawings was a requirement for a "brief description of the drawings" with respect to each of the figures. Applicant noted to the Examiner during that conference that a brief description of the drawings is contained within the specification and the Applicant did not believe that further narrative within the drawing would be in comportment with United States Patent Office regulations.

Next, the Examiner has rejected claims 28, 29 and 30 under 35 U.S.C. § 112, *first paragraph*, as based upon a disclosure which the Examiner does not believe is enabling. Specifically, the Examiner believes the step of "analyzing the data page" set forth within the claims is critical or essential to the practice of the invention but is not enabled by the disclosure.

As pointed out during the aforementioned telephonic conference, Applicant respectfully disagrees with the Examiner and once again points the Examiner's attention to page 7 of the specification, lines 15 *et seq.* Thereat, the specification describes the user requesting "a web page, or other data page using the wireless device". Thereafter, the "web page, or other data page" is displayed by the device after the device has automatically determined the best-fit orientation for the display. This analysis is described at page 7, lines 8 *et seq.*, as agreed to by

the Examiner, wherein the specification describes the process at occurring “by examining the line-width of the text being received, the device will determine whether the wide or narrow orientation will be used as the default orientation for that set of text.” Thus, as described in the specification at the aforementioned location, the method and system of the present invention describes the requesting of a web page or other data page and thereafter, the display of that page in an orientation which is the best-fit for that page, as determined by analyzing the line-width text on the page which has been received. Thus, the Examiner’s rejection of claims 28, 29 and 30 under 35 U.S.C. § 112, *first paragraph*, is not believed to be well founded and withdrawal of that rejection is respectfully requested.

Next, the Examiner has rejected of claims 1-2, 4-8, 10-11, 13-17, 19-20 and 22-26 under 35 U.S.C. § 102(b) as being anticipated by *Wharton et al.*, United States Patent No. 5,831,664. That rejection is respectfully traversed.

Applicant first notes that the claims present in the application comprise claims 2-8, 11, 12, 14-17, 20, 21, 23-26 and 28-30 and, after consultation with the Examiner, Applicant has prepared this Response by considering the Examiner’s rejection under 35 U.S.C. § 102(b) as being anticipated by *Wharton et al.* as being applied to claims 2, 4-8, 10, 11, 13-17, 19-20, 22-26 and 28-30 present within the application currently.

Thus, considering claim 28, as an exemplar of the claims within the application at present, Applicant urges that the presently claimed invention cannot be said to be anticipated, shown or suggested by *Wharton et al.* Specifically, each of the claims in the present application recites, either directly or indirectly, the receipt of a data page at a portable device, the analysis of that data page and thereafter, the automatic display of the data page in either a first orientation or a second orientation in response to the analysis of that data page. As described above, analysis

of the line-width of the text on a received data page is the analysis referred to within these claims.

In rejecting the claims the Examiner has urged that *Wharton et al.* teach the automatic display of a data page in a first orientation or a second orientation in response to an analysis of the data page and notes the various figures within *Wharton et al.* as an illustration of that capability. In response, Applicant respectfully urges the Examiner to consider that in figures 3A, 3B, 3C, 3D, 3E, 3F, 4, 5, 6, 7 and 9, the display of data within the mobile interface device of *Wharton et al.* is consistently displayed in the vertical or so-called "portrait" orientation. Nowhere in *Wharton et al.* is there an indication of an automatic display in either a first orientation or a second orientation, whether in response to an analysis of the data contained within a particular page or not. Consequently, Applicant urges that *Wharton et al.*, cannot by any stretch of the imagination, be said to anticipate, shown or suggest a method for displaying data within a portable device having a display which is significantly larger in a first dimension than in a second dimension and thereafter, displaying a data page in either a first orientation or a second orientation automatically in response to an analysis of the received data page, as expressly set forth within the claims of the present application. In view of the above, Applicant respectfully urges the Examiner to withdraw all rejections to the claims in the present application and pass this application to issue.

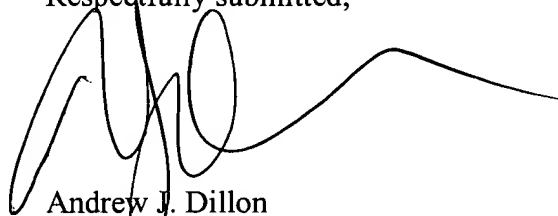
The Examiner has also rejected claims 3, 12 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Wharton et al.* in view of *Badger et al.*, United States Patent No. 5,973,664. That rejection is also respectfully traversed.

For the reasons set forth above, *Wharton et al.* fail to show or suggest in any way the analysis of a received data page and the automatic display of that data page in either a first

orientation or a second orientation within a display device in response to that analysis. The Examiner cites *Badger et al.* for its teaching of a second orientation which is a 90 degree rotation from a first orientation; however, Applicant does not claim the provision of landscape or portrait orientation within an electronic display, but rather the automatic display of a data page in either a first orientation or a second orientation in response to an analysis of the data page in a manner which is neither shown nor suggested by *Wharton et al.*, *Badger et al.*, whether considered alone or in combination. Consequently, Applicant urges the Examiner to withdraw this rejection as well and pass this application to issue.

No additional fee is believed to be required; however, in the event any additional fees are required, please charge IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AJD', with a long horizontal flourish extending to the right.

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